

## II. Statement of Claim

- ① ON May 31, 2023, the plaintiff (Desmond Mills # 1090887) was stabbed over 12 times at Eastern Reception Diagnostic & Correctional Center while in the Administrative Segregation Phase III program.
- ② This was able to occur due to but Not limited to Staff(s) who worked at E.R.D.C.C. Housing Unit 1 Mr. Berger, Mr. Deaton Ms. Motley, Mr. Bighorse not doing their thirty (30) minute rounds.
- ③ Staff who worked the Control Center (John Doe(s), Jane Doe(s)) have a required job ~~group~~ duty to monitor Security Closed Circuit Television Cameras
- ④ The attacking offender (Joseph Resz # 1244937) thirty (30) minute rotation was scheduled just prior to plaintiffs thirty (30) minute rotation
- ⑤ while the attacking offender's rotation was still out an officer announced a directive over the intercom system for all offenders "on rotation" to return to their respective rooms and lock down the doors.
- ⑥ The attacking offender instead of returning to his assigned cell, went and hid in a shower stall.
- ⑦ Staff (Mr. Berger, Mr. Bighorse, Mr. Deaton, Ms. Motley) that worked housing unit one failed to perform the required Security Checks in a Manner Consistent with policy.

- ⑧ Security monitors in Central Control never notified Staff in housing (1) that Joseph Resz# 1244937 never secured himself inside his assigned cell but instead entered a shower stall.
- ⑨ Prison officials knew through past events at ERDCC and documentation that Joseph Resz# 1244937 is a dangerous, aggressive, and violent offender with mental issues.
- ⑩ Staff failed to take measures to control a prisoner Joseph Resz# 1244937, whom they themselves have already identified as unusually dangerous.
- ⑪ On May 31, 2023 the attacking offender introduced a homemade prison knife that was made from a Segregation Serving tray.
- ⑫ The time frame allotted for possession of these ~~tray~~ trays in between distribution and retrieval should never exceed (1) meal period.
- ⑬ These trays are to be inventoried before and after the meals are served // completed.
- ⑭ Serving trays are only suppose to be in the offenders possession during the time frame the offender is allotted for eating his meal.
- ⑮ Any discrepancies in the amount of trays delivered and return should promptly be documented and a search conducted to find the missing tray(s).

- ⑯ Staff are trained to understand the danger / Seriousness of not promptly retrieving the correct amount of trays.
- ⑰ ~~Attacks, physical altercations, and verbal abuse~~
- ⑯ On May 31, 2023 the attacking offender Joseph Resz # 1244937 attacked the plaintiff, repeatedly stabbing excess to the body hands, face, and throat.
- ⑯ At no time during this physical altercation did plaintiff hit the attacking offender.
- ⑯ After plaintiff submitted to restraints he was made to walk to medical even though he had stabbed wounds to the throat and back.
- ⑯ She then applied an adhesive substance (Simple first Aid) to all the wounds.  
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- ⑯ The Nurse (Jane Roe) who examined the plaintiff said "you need to go to the hospital but the institution don't like paying for hospital bills"
- ⑯ A few hours later the same Nurse came back to ~~bed~~ reapply the adhesive substance again to the neck because it ~~bled~~ wouldn't stop bleeding.
- ⑯ At no time did plaintiff receive a proper examination to ensure of no internal injuries, Nor was plaintiff given a tetnis shot to ensure an infection / disease wouldn't set in.

- (24) It's documented that the attacking offender had recently Stab and Swapped bodily fluids with an H.I.V. Positive Offender
- (25) Due to the actions of staff involving the medical care RENDERED multiple Complications Continue to Constantly manifest
- (26) upon swallowing I feel pressure in my throat.
- (27) upon touching, viewing my face and throat fear, anxiety and panic attacks start to happen and depression kicks in
- (28) Plaintiff is suffering physical pain, mental anguish, fright, shock embarrassment, humiliation, Night terrors, insomnia from the chain of events.
- (29) Plaintiff did the I.R.R., Grievance, and Grievance appeal.
- (30) The I.R.R. response that was given was it was his fault, he should've been in his cell, even though it was the plaintiff's recreation rotation and not the attacking offenders.
- (31) When plaintiff did the grievance, grievance appeal he tried to explain the findings wasn't right. Plaintiff explained that the camera footage would ~~show~~ show the investigating staff member (John Doe) # 138996 produce falsified documents despite the perponderance of ~~to~~ evidence to support my Complaint

- (32) Plaintiff was put on Mirtazipine 15 mg on 3-24-24 to help with complications he is coping through because of the past events
- (33) Staff Created the environment possible for this event to take place. Staff also refused to give adequate medical treatment
- (34) Staff violated 44 of ERDOC's policy and procedures, then conspired together ~~to~~ in an attempt to orchestrate a cover up to hide the true events that took place
- (35) Mr. Bighorse failed to supervise Mr. Deaton, Mr. Berger, and Ms. Motley properly.
- (36) Mr. Deaton, and Mr. Berger fail to hold Ms. Motley accountable for not doing her 30 minute rounds according to policy and procedure.
- (37) Anne L. Precythe failed to train her subordinates, Jason Lewis, John Doe # 138996, Tim Freeman, Richard Adams, Stephanie Tanderich, officers who worked the Control Center (John Does) Mr. Bighorse, Mr. Deaton, Mr. Berger, Ms. Motley, and Captain Neel properly.
- (38) Jason Lewis (deputy director) exhibited deliberate indifference to the rights of inmates by failing to act on information indicating that unconstitutional acts were occurring along with policy and procedures not being followed.

- (39) Richard Adams (warden of ERDCC) is responsible for all his Subordinates actions ~~as well as~~ as well as reviewing all appeals
- (40) All defendants have acted and Continue to act under color of State law at all times relevant to this Complain
- (41) The policy and procedures that were Violated were; D1-8.6 III B(A), B, B(3), Is. 19-1.6 III (1), (5), § 217.410 RSMo (1), SOP 21-1.2, (L) 1, D2- 11.10(5) III A (1), B, A, L,D, G, H, I, J, D2-11.10, N(2), D2 11.10(K) 1-4, D-4 - 2.1 III, B1 (A)(C)(D)(E), 3(C), 2,3, D2-12.10 III (A) 10, Is 19-1.6 II (A),(C),(F), SOP 21-1.2 (E) 1, D4 2.1 III B (C) 2, D2-11.10 III A (1) A,B,L,D,F,H,I, D2 11.10 (K) 2-4, Is (L-41 II H (2)(4)(5) III B (2) AB RSMo 217. 230 , 2
- (42) Plaintiff SEEKS compensatory and/or punitive damages for offender abuse; Staff misconduct; Contractor misconduct which resulted ~~in~~ from serious physical injuries.
- (43) Plaintiff also SEEKS compensatory and/or punitive damages for the loss of privileges and quality of life in his prison living conditions, and the loss of the limited liberty enjoyed by prisoners resulting from his segregated Confinement in that he was Confined to a cell for 24 hours a day and deprived of most of his personal property as well as the ability to work, attend Religious Services, associate with other prisoners, watch television, attend outdoor recreation in a Congregate setting with the ability to engage in sports, attend meals with other offenders. Plaintiff separately and in addition SEEKS compensatory damages for the Mental, Emotional distress Resulting from his prolonged Confinement in Segregation w/o due process of law to

which he is entitled because of physical injuries sustained in his stabbing and as a result of deprivation of medical care pled herein.

- (4) After plaintiff did the I.R.C. process staff retaliated by not giving him his mail or looking for his missing property.

## IV Relief

- ① wherefore, plaintiff requests that the court grant the following relief; Expunge the disciplinary convictions described in this Complaint from the plaintiffs institutional Record.
- ② Award Compensatory damages in the following amounts; \$ 50,000 jointly and severally against defendants Anne L. Precythe, David Howe, Jason Lewis, Stephanie Tandarich, Richard Adams, Tim Freeman, Mr. Berger, Mr. Deaton, Ms. Motley, Mr. Bighorse, Ms. Neel John Doe(s), Jane Doe(s), ~~eachers & Administrators (Administrative Segregation)~~, for the physical and emotional injuries sustained as a result of the plaintiff's assault. I believe I'm entitled to that because each defendant played a part in the breakdown of the policy and procedures which created an environment possible for an inmate who's known to be aggressive & dangerous make a knife out a Administrative Segregation food tray, and stay out pass his recreation and stab me over 12 times in vital parts of my body.
- ③ \$ 25,000 jointly and severally against Ms. Neel, David Howe, Steven Wheeler for the physical and emotional injury resulting from their failure to provide adequate medical care to the plaintiff
- ④ Award punitive damages in the following amounts:  
\$ 20,000 each against defendants Anne L. Precythe, David Howe, Jason Lewis, Stephanie Tandarich, Richard Adams, Tim Freeman, Mr. Berger, Mr. Deaton, Ms. Motley, Mr. Bighorse, Ms. Neel John Doe(s), Jane Doe(s), John Doe # 138996
- ⑤ Grant such other relief as it may appear that plaintiff is Entitled.